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14 (including this cover page)

Subject:

Attorney File No. IM-1-C1-PUS

U.S. Patent Application Serial No: 09/646,561

From:

Richard J. Stern, Ph.D. (970-493-7272 - Ext 4174)

Special Instructions:

Please find attached a Second Amendment and Response After Final.

CONFIDENTIALITY NOTICE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)		Docket No. IM-1-C1-PUS		
In Re Application Of: Gek-Kee Sim, Shumin Yang, Karen S. Sellins				
Filing Date March 19, 1999	Examiner Jessica H. Roark	Group Art Unit		
Invention: "CANINE AND FELINE B7-2 NUCLEIC ACID MOLECULES AND USES THEREOF"				
TO THE COMMISSIONER FOR PATENTS:				
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of				
The requested extension is as follows (check time period desired): ☑ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months				
from: September 18, 2003 until: October 18, 2003 Date Date				
A verified statement of small entity status as a small entity under 37 CFR 1.27; is enclosed. has already been filed in this application.				
The fee for the extension of time is \$55 and is to be paid as follows:				
☐ A check in the amount of the fee is enclosed. ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 081930				
If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 081930				
Dated: October 17, 2003				
PECEIVED CENTRAL FAX CENT OCT 2 0 2003	I HEREBY CE BEING PACSI JESSICA ROA ADDRESSED PATENTS, P.C 22313-1450. TI	PICATE OF FACSIMILE TRANSMISSION RTIFY THAT THIS CORRESPONDENCE IS MILE TRANSMITTED TO EXAMINER RK, PhD, FAX NO. (703)-872-9306, TO MAIL STOP AF, COMMISSIONER FOR D. BOX 1450, ALEXANDRIA, VIRGINIA HIS 17TH DAY OF OCTOBER 2003. HESKA CORPORATION SUSAN A. GORDOR		
	Filing Date March 19, 1999 ND FELINE B7-2 NUCLEIC ACC TO THE COMMISSION of 37 CFR 1.136(a) in the above-identified application is as follows (check time period Two months Treptember 18, 2003 Date mall entity status as a small entity lifed in this application. In of time is \$55 are point of the fee is enclosed. The property authorized to charge any fee to the property authorized to charge any fee to the property authorized to Deposit Account Note that the property authorized to CENTRAL FAX CENTRAL F	Filing Date March 19, 1999 Jessica H. Roark ND FELINE B7-2 NUCLEIC ACID MOLECULES AND US TO THE COMMISSIONER FOR PATENTS: the provisions of 37 CFR 1.136(a) to extend the period for fill in the above-identified application. is as follows (check time period desired): Two months Three months Pour interpretation of time is a small entity under 37 CFR 1.27: filed in this application. In of time is \$55 and is to be paid as follows: To the fee is enclosed. The provision of time is required, please consider this a petition the required to Deposit Account No. 081930 Date: Date: OCT 2 0 2003 THEREBY CE PATENTS, P.C. 22313-1450, T. T. T. T. T. T. T. T. C. 2211-1450, T. T. T. T. T. T. T. C. 2211-1450, T.		

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(e)) - SMALL BUSINESS CONCERN

OCT-17-2003 FRI 10:33 AM HESKA CORPORATION

I hereby declare that I am an official empowered to act on behalf of Heska Corporation of 1613 Prospect Parkway, Fort Collins, Colorado 80525, a small business concern.

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled "CANINE AND FELINE B7-2 NUCLEIC ACID MOLECULES AND USES THEREOF," and identified as Attorney File No. IM-1-C1-PUS, described in the specification filed on March 19, 1999, receiving Serial No. 09/646,561.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME		
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[] INDIAIDAVF	[] SMALL BUSINESS CONCERN	[] NONPROFIT ORGANIZATION
NAME	ne Briefley versive i benefit der service	
		[] NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: October 16, 2003

By: CNews

Carol Talkington Verser, Ph.D.

Executive Vice President
Intellectual Property and Business Development
Heska Corporation
1613 Prospect Parkway
Fort Collins, Colorado 80525

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